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CrI.O.P.No.4369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4369 of 2023

M/s.Nalini Travels,
Rep by its Partner R.Dinesh,
S/o.Ramesh,
No.257, Advaita Ashramam Road,
Fairland, Salem 16

...Petitioners

vs.

1.Saravanan

2.State rep by
The Inspector of Police,
Pallapatti Police Station,
Salem District
Crime No.334 of 2020

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order in CrRP.No.26 of 2020 dated 22.12.2022 passed by the learned II Additional District Judge, Salem by confirming the order in CrI.M.P.No.1442 of 2020 dated 06.07.2020 passed by the learned Judicial Magistrate No.II, Salem and allowing this criminal original petition to grant interim custody to the petitioner vehicle bearing Reg No.TN30 BP 0499.



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For Petitioner : Mr.B.Sundarapandiyar

For Respondent : Mr.A.Gopinath
Government Advocate for R2

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in CrRP.No.26 of 2020 dated 22.12.2022 confirming the order passed by the learned Judicial Magistrate No.II, Salem in CMP.No.1442 of 2020 dated 06.07.2020 dismissing the application filed by the petitioner seeking for granting interim custody of the vehicle.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record

3. The petitioner is the owner of vehicle and he is not an accused in this case. The petitioner filed an application seeking for return of vehicle, which was seized in the course of investigation in crime No.334 of 2020. Both the Courts below had rejected the request made by the petitioner only on the ground that steps are being taken to initiate confiscation proceedings.

4. When the matter was taken up today, the learned Government Advocate



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on instructions submitted that the confiscation proceedings have not been initiated till date.

5. In the light of the above submission, no useful purpose will be served in keeping the vehicle in custody since, the said vehicle will completely go waste and lose its value. Therefore, the order passed by both the Courts below is hereby set aside.

6. Accordingly, this criminal original petition is disposed of in the following terms:-

(a) The petitioner shall surrender the original RC book of the vehicle before the concerned magistrate.

(b) The petitioner shall execute a personal bond for a sum of Rs.10,000/- with two sureties for a like sum within a period of one week from the date of receipt of the copy of this order. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and give photocopy of their Aadhar Card or Bank pass book to ensure their identity.

(c) The petitioner shall give a written undertaking before the Judicial Magistrate stating that he will not use the vehicle in question for any illegal activities in future and produce the same as and when required before the Court below failing



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which the Trial Court is at liberty to confiscate the vehicle.

(d) The petitioner shall take a photograph of the vehicle and submit the same along with "compact disc" duly certified under Section 65B of the Indian Evidence Act, 1872 to the concerned Judicial Magistrate.

(e) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings.

(f) The petitioner shall co-operate for the enquiry conducted by the respondent police.

(g) If after the release of the vehicle, the vehicle is found to be involved in any other offence, it is left open to the respondent police to proceed further to initiate confiscation proceedings.

(h) The petitioner shall produce the vehicle before the concerned Court as and when such direction is given by the trial Court;

29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

1.The II Additional District Judge,



Salem



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2.The Judicial Magistrate No.II,
Salem

3.The Inspector of Police,
Pallapatti Police Station,
Salem District
Crime No.334 of 2020

4. The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

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